DEPARTMENT OF HEALTH AND HUMAN SERVICES Public Health Service

Food and Drug Administration
5100 Paint Branch Parkway
College Park, Maryland 20740

APR 13 2005

Ivan J. Wasserman
Collier Shannon Scott, PLLC
Washington Harbour, Suite 400
3050 K St., NW
Washington , DC 20007

Dear Mr. Wasserman:

This is to inform you that the notification, dated January 26, 2005, that you submitted on behalf of Guiliani S.p.A. pursuant to 21 U.S.C. 350b(a)(2)(section 413(a)(2) of the Federal Food, Drug, and Cosmetic Act (the Act)) was filed by the Food and Drug Administration (FDA) on January 28, 2005. Your notification concerns the substance "Spermidine trihydrochloride" that your client intends to market as a new dietary ingredient.

According to the notification, Giuliani S.p.A. intends to prepare "Spermidine trihydrochloride" by chemical reactions following a synthetic scheme depicted in the notification and intends to market the new dietary ingredient in dietary supplement products in the form of tablets, each containing 0.25 – 0.50 mg of "Spermidine trihydrochloride". You indicate that the level of use is expected to be 1 tablet per day; preferably in the morning with breakfast and that the product should not be used by children.

Under 21 U.S.C. 350b(a), the manufacturer or distributor of a dietary supplement containing a new dietary ingredient that has not been present in the food supply as an article used for food in a form in which the food has not been chemically altered must submit to FDA, at least 75 days before the dietary ingredient is introduced or delivered for introduction into interstate commerce, information that is the basis on which the manufacturer or distributor has concluded that a dietary supplement containing such new dietary ingredient will reasonably be expected to be safe. FDA reviews this information to determine whether it provides an adequate basis for such a conclusion. Under section 350b(a)(2), there must be a history of use or other evidence of safety establishing that the new dietary ingredient, when used under the conditions recommended or suggested in the labeling of the dietary supplement, will reasonably be expected to be safe. If this requirement is not met, the dietary supplement is considered to be adulterated under 21 U.S.C. 342(f)(1)(B) because there is inadequate information to provide reasonable assurance that the new dietary ingredient does not present a significant or unreasonable risk of illness or injury.

FDA has carefully considered the information in your submission, and the agency has concerns about the evidence on which you rely to support your conclusion that a dietary supplement product containing "Spermidine trihydrochloride" will reasonably be expected to be safe.

Your notification fails to clearly identify the complete composition of the new dietary ingredient that you call "Spermidine trihydrochloride". According to your notification, your new dietary ingredient is >99% spermidine trihydrochloride. However, your notification neither addresses the substances that comprise the remaining 1% of your "Spermidine trihydrochloride" nor contains information that addresses their safety. Moreover, your notification does not clearly describe the dietary supplement product or products containing the new dietary ingredient, "Spermidine trihydrochloride", that you intend to manufacture or distribute. Because the identity of your new dietary ingredient, "Spermidine trihydrochloride" is unclear, it is also unclear how it is qualitatively or quantitatively similar to the test materials described in safety information you relied on in your notification, or how this safety information is relevant to evaluating the safe use of your new dietary ingredient under the conditions of use recommended or suggested in the labeling of a dietary supplement product.

Furthermore, the composition of the substances described in the safety information provided in your notification is also not clear. For example, you present the results of two clinical trials but the descriptions of the trials, while mentioning product names, do not describe the ingredients of the products or the dosages administered. Thus the relevance of the studies and other information that you provided to an evaluation of the safety of the product or products containing "Spermidine trihydrochloride" that you intend to market is not clear.

For the reasons discussed above, the information in your submission does not provide an adequate basis to conclude that a product containing "Spermidine trihydrochloride", when used under the conditions recommended or suggested in the labeling of your product, will reasonably be expected to be safe. Therefore, your product may be adulterated under 21 U.S.C. 342(f)(1)(B) as a dietary supplement that contains a new dietary ingredient for which there is inadequate information to provide reasonable assurance that such ingredient does not present a significant or unreasonable risk of illness or injury. Introduction of such a product into interstate commerce is prohibited under 21 U.S.C. 331(a) and (v).

Your notification will be kept confidential for 90 days after the filing date of January 28, 2005. After the 90-day date, the notification will be placed on public display at FDA's Division of Docket Management in docket number 95S-0316. Prior to that date, you may wish to identify in writing specifically what information you believe is proprietary, trade secret or otherwise confidential for FDA's consideration.

If you have any questions concerning this matter, please contact Linda Pellicore, Ph.D., at (301) 436-2375.

Sincerely yours,

Susan J. Walker, M.D.
Director
Division of Dietary Supplement Programs
Office of Nutritional Products, Labeling
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Center for Food Safety
and Applied Nutrition